

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

DANIEL JOHNSON, #274157	§	
VS.	§	CIVIL ACTION NO. 9:04cv233
GARY WAKEFIELD, ET AL.	§	

O R D E R

Came on for consideration, the plaintiff's motion for an order revoking the order of reference. On June 8, 2005, the case was referred to Magistrate Judge Harry W. McKee upon the consent of the parties in accordance with 28 U.S.C. § 636(c). Motions for summary judgment were subsequently filed by both parties. On July 19, 2005, the defendants' motion for summary judgment was granted and the case was dismissed. On July 28, 2005, the plaintiff filed the present motion, along with a motion to vacate the judgment.

The provision for vacating a referral order is 28 U.S.C. § 636(c)(4). A court may vacate a referral order "under extraordinary circumstances shown by any party." This standard is not met because a party is dissatisfied with a decision by a magistrate judge. *Manion v. American Airlines, Inc.* 251 F.Supp.2d 171, 175 (D. D.C. 2003). The standard is not met by conclusory allegations of prejudice and bias. *Moses v. Sterling Commerce (America), Inc.*, 122 Fed. Appx. 177, 182 (6th Cir. 2005). *See also Frank v. County of Hudson*, 962 F.Supp. 41, 44 (D. N.J. 1997).

In the present case, the plaintiff has only shown that he disagrees with the decision issued in the case. The decision was appropriate in light of the facts and the applicable law. The plaintiff's assertions to the contrary, including his allegations of impartiality and bias, are conclusory. If no more is needed, then all judgments in referred cases could be vacated, because about half the litigants in every case believe the judgment is wrongly decided. The plaintiff has not shown extraordinary circumstances warranting the vacating of the referral. It is accordingly

ORDERED that the motion for an order revoking order of referral (docket entry #102) is **DENIED**.

So **ORDERED** and **SIGNED** this **8** day of **August, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge